

## **REMARKS**

Claims 1-19 are pending in the instant application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the application contains claims directed to the following patentably distinct species of the claimed invention:

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|---------------|-----------------------|
| I) Figs. 1-3; | VII) Fig. 4f;         |
| II) Fig. 4a;  | VIII) Fig. 4g;        |
| III) Fig. 4b; | IX) Fig. 5;           |
| IV) Fig. 4c;  | X) Fig. 6;            |
| V) Fig. 4d;   | XI) Figs. 7a, 7b; and |
| VI) Fig. 4e;  | XII) Fig. 8.          |

In response to the Examiner's requirement for restriction, Applicant provisionally elects, with traverse, to prosecute the subject matter of Claims 1-16, directed to species XI, Figs. 7a, 7b. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected claims in this application.


Pursuant to 37 C.F.R. §§1.111 and 1.143, Applicant hereby traverses the Examiner's requirement for restriction and requests reconsideration thereof in view of the following remarks. Claims to be restricted to species must be defined by mutually exclusive characteristics. See, M.P.E.P., 8<sup>th</sup> Ed., Rev. 2, § 806.04(f). In order to be mutually exclusive, claims must recite features found in one species, but not another, while other claims must recite features found in a second species, but not the first. However, the species as defined in the Office Action are not mutually exclusive. For example, claim 11 pertains generically to all species. Therefore, claims embodying each species are not mutually exclusive, and do not meet

the test required of species restrictions. Favorable reconsideration and withdrawal of the restriction requirement is kindly requested.

Moreover, Applicant respectfully traverses the indication that no claim is generic. Specifically, as noted above, claim 11 reads generically on all species, as they are identified in the Office Action and above. Therefore, if the Examiner maintains the restriction requirement, upon allowance of claim 11, Applicant respectfully requests rejoinder of all claims, per 37 C.F.R. § 1.146.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited, however, it is respectfully urged that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all the claims.

Respectfully submitted,



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